



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/632,097

08/01/2003

John Reed

2540-0590

1915

42624

7590

02/25/2010

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ENG, DAVID Y

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

02/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,097	Applicant(s) REED ET AL.	
	Examiner DAVID Y. ENG	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/4/2009 & 12/7/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-49 are pending with 1, 12, 21 and 35 being independent claims.

Specification

Applicants are requested to provide the missing information on page 32 of the specification

Claim Rejections - 35 USC § 112, 2nd paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rejected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that the newly inserted limitation in the independent claims has no support in the specification.

Response

Applicants stated that the support of the 12/4/2009 amendment can be found in the specification at page 22, lines 2 *et seq.* and page 32, lines 7 *et seq.* The Examiner has carefully studied the identified excerpts. The Examiner is unable to find the support of the amendment in those excerpts. The excerpts merely disclose the four status codes (page 22, lines 2 *et seq.*) of a Set IP Configuration Request message sent from a client to a managed appliance to assign an IP address (page 20, lines 10-11). The

Art Unit: 2455

specification at best merely teaches that the appliance may already have an IP address.

The specification fails to support the amendment "responsive to a then-current IP configuration received from the managed appliance, operatively sets the IP configuration of the managed appliance across the network by pushing a modified IP configuration to the managed appliance". Further, there is no support of "pushing a modified IP configuration even the status codes indicates that the appliance already has an IP address" as argued by Applicants.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 5, 6, 10, 11, 30, 31, 36, 21, 24, 26, 34, 42 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Kouznetsov (USP 7,240,102).

Claims 1, 2, 3, 6, 31, 21, 24, 26

See at least Figure 1 to Figure 4 and the description thereof in Kouznetsov.

Kouznetsov teaches:

A system (Figure 1) comprising:

a workstation (12, 14 and 24) communicatively coupled to a network (20); and

Art Unit: 2455

a managed appliance (11), different from the workstation, communicatively coupled to the network at a different location than the workstation;

wherein the workstation operatively locates the managed appliance across the network and, responsive to a then-current IP configuration received from the managed appliance, operatively sets the IP configuration of the managed appliance across the network by pushing a modified IP configuration to the managed appliance (see “pushed” in column 2, line 33), wherein the then-current IP configuration includes an indication that the managed appliance already has an IP address.

Claims 5, 11, 30, 34, 49

The “wherein statements” merely consist of non-functional descriptive material.

Claims 10, 36, 42

It is well known that a network is capable to connect more than two devices.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 7, 8, 9, 37, 38, 12, 13, 14, 15, 16, 17, 18, 19, 20, 32, 33, 39, 40, 41, 22, 23, 25, 27, 28, 29, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouznetsov (USP 7,240,102) in view of Thomas (USP (6,681,250) .

Claims 4, 8, 9, 12, 15, 19, 32, 25, 28

Kouznetsov teaches claim combination set forth above. The only difference is that Kouznetsov does not explicitly teach whether data labeled as keyboard data, cursor

Art Unit: 2455

control data and video data are transmitted in his system. KVM data is well known in the art. Thomas teaches transmitting KVM data between devices connected to a network. From the teaching of Kouznetsov and Thomas, it would have been obvious to a person of ordinary skill in the art to configure devices of Thomas which capable of generate and transmit KVM data in a manner as taught by Kouznetsov so that devices are configured with IP addresses. See “KVM data” in line 19 of column 6 in and claims 10 and 11 in Thomas.

Further with respect to claim 32, discovery is inherent in push operation because without the discovery, the server would not be able to know where the appliances are.

Claims 7, 37, 38, 16, 18, 20, 40, 41, 27, 29, 43, 44

The “wherein clause” merely consists of non-functional descriptive material. Further, it would have been obvious to a person of ordinary skill in the art to use any type of communication protocol so long it is able to transmit data between devices connected to a network.

Claims 13, 14, 17, 22, 23

IP address, subnet mask and gateway address are well known IP configuration parameter.

Claims 39

It is well known that a network is capable to connect more than two devices.

Claim Rejections - 35 USC § 103

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kouznetsov (USP 7,240,102).

Claim 48

Kouznetsov teaches claim combination set forth above. It would have been obvious to a person of ordinary skill in the art to test a storing device to ascertain that it is capable of storing before data is stored.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 35 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salama (USP 7,197,549) in view of Thomas (USP (6,681,250).

Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

Response

Applicants solely rely on the newly inserted limitation for patentability. As explained by the Examiner in the Section 112 Rejection above, the limitation has no support in the specification.

Further, the limitation "pushing a modified IP configuration even the status codes indicates that the appliance already has an IP address" does not render the claims patentable over the applied references. The claims broadly recite merely two

Art Unit: 2455

components, namely, a workstation and a managed appliance for configuring the appliances. The applied references teach that. No patentable weight is given to pushing a modified IP configuration even the appliance already has an IP address because the applied reference teach remotely configure an appliance regardless whether or not a current IP address exists as admitted by Applicants. If the just pushed address is different than what the appliance already has, the pushed address (modified relative to the old address) would replace the current address in the applied references. The newly limitation is not patentably distinct over the applied references. Furthermore, it is well known that all communications through network require IP address. It appears that the applied references also have already existed IP address.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2455

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID Y. ENG/
Primary Examiner, Art Unit 2455